

1907-027 Chancery Causes: Ira Fisher vs. Elizabeth Fisher
Lee Co.

Johnson, McPherson, Fannon

CA-Divorce
T-Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court
for Lee County, Virginia.

Humbly complaining, your orator, Ira Fisher, a citizen
of said county, would respectfully represent and show unto
your honor, that on or about the 25th day of January, 1866, he
was married to one Elizabeth Johnson; that he and his said wife
lived together as husband and wife until seven or eight years
ago when his said wife became irritable and disagreeable, so
much so that he was afraid that she would do him some violence,
she having on one occasion attempted to kill him with an axe,
and they then separated, she in fact abandoned your said orator,
and declared she would not live with him any longer. After this,
and about four years ago by the interposition of friends she
agreed to live with your orator, and did live with ~~him~~ your orator
as his wife for a few days, and then she abandoned your orator
again, and although he has done everything in his power to bring
about reconciliation, both by his own efforts and that of friends,
she has failed and refused to live with your orator as his wife
and he has had to make his home with his children. The conduct
of his said wife towards him has been without cause as he has
treated her kindly and without her consent or connivance in any
manner.

Her said abandonment of him having continued for four
years your orator is advised that he is entitled to an absolute
divorce from her. The object of this bill, therefore, is to
obtain a divorce from the bonds of matrimony existing between
himself and his said wife. To this end he makes the said Elizabeth
Fisher the party defendant to this bill, and asks that she be required
to answer the same but not under oath, answer under oath being
waived; that on a hearing ~~the~~^{at} divorce from the bonds of matrimony
existing between them be granted your orator, and that he be granted
all such other, further and general relief as he may show himself
entitled to. And your orator will ever pray &c.

Orator
Orator

Ira Fisher
vs Bill in Chy.
Elizabeth Fisher.

1907 2nd August, R. 1907

Bill filed Spar.
executed

" 1st Sept. Rules, 1907.
Cause set for
hearing.

Costs:

Clerk,	\$3.58	P
Day	1.50	P
Atty.	15.00	
Shff.	1.20	P
Wit.	.50	
Comr.	75	P
	<u>\$22.53</u>	
Fee	5.00	P
	<u>\$27.53</u>	P

Ira Fisher,

Plaintiff.

vs.

In Chancery.

Elizabeth Fisher,

Defendants.

This cause came on to be heard upon the bill of the plaintiff, the process duly executed on the defendant and the cause regularly matured at rules and set for hearing by the plaintiff and the depositions of witnesses and was argued by counsel for the plaintiff.

On consideration thereof it is adjudged ordered and decreed that the bonds of matrimony existing between the plaintiff and defendant be and the same are hereby dissolved and the parties divorced from each other; and that the plaintiff recover against the defendant the cost of this suit in this behalf expended. And the cause is stricken from the docket.

Ind. Fisher
vs { Decree No 1.
3.
Elizabeth Fisher.

Entered in C.O.B.
8, page 311-

68
25.
40
40
18
1.33

Enter this decree.

Haw. S. C.

Sept 16 1907.

Mrs. Elizabeth Fisher,

You will please take notice that on the 30th day of August, 1907 at the law office of James W. Orr, in Jonesville, Virginia, I will proceed to take the depositions of Shadrach Fisher and others, which depositions are intended to be read in my behalf in a certain suit in chancery pending in the Circuit Court for Lee County, Virginia, in which I am plaintiff and you are defendants, and if from any cause the taking of the said depositions be not commenced on that day, or if commenced be not completed on that day, the taking of the same will be adjourned from time to time, and from place to place until completed.

This August 14th, 1907.

Ira Fisher
By Counsel.

Off's witnesses.
John H. McKenna
Enoch Osburn.
Shadrack Fisher.
Chas. Thuman.

Ind Fisher

vs. Notice

Elizabeth Fisher.

Aug 30th 1907.

Executed on the 24 day
of August 1907 by delivering
true copy of the within
Notice to Elizabeth

Fisher D. H. Mahan

D. S. for Rm. Ball
S. L. C.

The depositions of John W. McPherson and others, taken before me Geo. P. Cridlin, a commissioner in chancery for the circuit court of Lee County, Virginia, on the 30th day of August, 1907, at the law office of James W. Orr, in the town of Jonesville, Virginia, pursuant to notice hereto attached, which depositions are intended to be read as evidence on behalf of the plaintiff in a certain suit in chancery now pending in the said circuit court of Lee County, Virginia in which Ira Fisher is plaintiff and Elizabeth Fisher is defendant.

Present James W. Orr for plaintiff.

John W. McPherson, a witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, place of residence and occupation and what official position you hold if any?

A.-- I am 60 years old, reside on Blackwater, Lee County, Va. am a farmer, and a justice of the peace.

Q.2.-- Are you acquainted with the plaintiff and his wife and if so how long have you known them.

A.-- I am, have known them ever since the war, and have lived close to them for 30 years.

Q.3.-- State whether or not the plaintiff and defendant have lived agreeably together as husband and wife during any part of the time?

A.-- So far as I know they have lived together all right until about four years ago.

Q. 4.-- State what the defendant's treatment and demeanor towards her husband was about four years ago, and since, if you know?

A.-- She was very ill towards him and would not live with him any longer. I was sent for some two or three times to come and try to persuade her to live with him. Her son came after me once, and Mr. Fisher talked to me about it himself and cried. I did go and tried to get her to live with him, and one time I got her to agree to live with him again but she only did so about three days and then ran him off again. She just claimed that she was tired of him and wanted to get rid of him ~~any longer~~ and refused to live with him any longer.

It has been something over three years since she lived with him last.

Q.5.-- Please state whether or not the plaintiff's conduct towards his said wife so far as you know, has been kind, and has he endeavored to provide for a support and maintenance.

A.-- His conduct has been kind so far as I have observed, and he has been a hardworking man and provided a plenty for their support.

And so far as I know her conduct towards him was without cause upon his part.

Q.6.-- Where do the parties to this suit reside.

A.-- In Lee County, Va. On Blackwater, and have lived there for 30 or 40 years.

And further this deponent saith not.

-- J. W. McPherson

The further taking of these depositions is adjourned till the 3rd day of september, 1907, at the same place.

Met pursuant to adjournment at the law office of J.W.Orr in the town of Jonesville, Va., on the 3rd day of Sept/ 1907.

W.C.Fannon, another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation.

A.-- I am 33 years old, live on the East prong pf Blackwater, Lee co. Va. and am a farmer /

Q.2.-- Are you acquainted with the parties to this suit.

A.4- I am acquainted with said parties and have knwon them for about 14 years.

Q.3.-- State if you know what has been the conduct and treatment of the defendant towards the plaintiff?

A.--I only know that he has been away from his old home for some thing like four years and I heard her say that she would never live with him again, that when she quit a man she had done so for good.

It was the common talk of the neighborhood that she had run him away from home.

Q.4.-- Was the plaintiff when he was at home industrious and try to make a support for himself and his family?

A.--Yes, sir, he was industrious, he toiled hard for his family. Since he has been away from home he has been living with his children, while his wife has been living at the old home, the place where he formerly lived.

And further this deponent saith not.

W. C. Fannon

Wit. claims one day \$0.50

Paid by plff.

Virginia, Lee County, To-Wit:

I, Geo. P. Cridlin, a commissioner in chancery for the Circuit court of Lee county, Virginia, do certify that the foregoing depositions of J.W. McPherson and C.W. Fannon were taken sworn to and subscribed before me at the times place and for the purpose in the caption ~~Mentioned~~.

Given under my hand this the 3rd day of Sept. 1907.

Geo. P. Cridlin
Commissioner in chancery.

Ira Fisher

12. { In Chy.

Elizabeth Fisher

Depositions of

John W. McPherson

W. C. Fannon 50

Comm. fee 75

Filed Sept. 3, 1907

R. A. Ewing,
Clerk.

Wm. C. Fannon
50
75
5

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon.....

Elizabeth Fisher

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court,
on the *3rd* Monday in *August*, 190*7*, to answer a bill in chancery exhibited against

her by Ira Fisher

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *5th*
day of *August*, 190*7*, and 1*32* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

-----, Clerk.

Ira Fisher

VS

}

SUBPENA
IN
CHANCERY.

Elizabeth Fisher

Ors & Noel p. q

To 2nd August Rules.
Lee Circuit Court.
1907

Executed on the 5 day
of August 1907 by
Delivering a true Office
copy of the within Summons
to defendant Elizabeth
Fisher. D. J. Mahan
D.S. for P.M. Ball
D.J.C

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

Charles Fannon

G. P. Cristlin, a Comm. in ch. for

Law office of J. H. Ott

to appear before the Judge of our Circuit Court of the County of Lee, at the court house thereof, on the
day of *September*, 190*7*, to testify and the truth to say in behalf of the

Plaintiff, in a certain matter of controversy in our said court before the
said ~~Judge~~ depending and undetermined between

Ira Fisher,

Plaintiff, and

Elizabeth Fisher,

Defendants.

And this

he

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the *30th* day of

August,

190

7

and in the 12*32*nd

year of the Commonwealth.

H. C. T. Ewing, Clerk.

Ira Fisher

VS.

}

SUBPOENA
FOR
WITNESS

Elizabeth Fisher

Geo. P. Cridlin, Comr.
Court,

the 3rd day of Sept

1907
Executed on the 2 day
of Sept 1907 by summoning
Charles Fannan and
Paying him his money
for his day L. S. Mahan
L. S. for Pen. Ball L. C.